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TESTIMONY ON MICHIGAN H.B. 5095
Presented by Vicki Deisner, State Legislative Director, Midwest Region
Before the Michigan House Regulatory Reform Committee
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Chairman Crawford and distinguished members of the House Regulatory Reform Committee, I am Vicki Deisner, State Legislative Director for the Midwest Region of the American Society for the Prevention of Cruelty to Animals (ASPCA). The ASPCA, founded in 1866, is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. As part of our national effort to assist local anti-cruelty efforts on the ground the ASPCA provides grants to local communities. In fact, over the last several years we have awarded over \$600,000 to communities throughout Michigan. On behalf of our approximately 2.5 million members and supporters, including over 73,000 Michigan citizens, we **respectfully urge the House Regulatory Reform Committee to vote YES on H.B. 5095 – a bill that would require large-scale dog breeders to register with the Michigan Department of Agriculture and Rural Development and follow guidelines to help ensure the humane treatment of dogs and puppies in these facilities.**

Michigan must move forward to regulate large-scale breeders to improve the quality of life for dogs that are destined to spend their entire live in these facilities – often in substandard conditions. Currently, 30 other states regulate large-scale breeders, including other states in the Midwest such as Ohio, Indiana, Illinois, Wisconsin, Pennsylvania, Iowa, Missouri and just this year Minnesota (ASPCA national map of large-scale breeding operations). The ASPCA has observed that when neighboring states pass large-scale breeding regulations, some of the breeders that choose not to comply with regulations move to non-regulated states. For example, a number of breeders moved from Pennsylvania to Ohio and upstate New York when Pennsylvania passed their regulations in 2008. Ohio's large-scale breeding regulations just went into effect October 10, 2013. With Michigan now surrounded by states with regulations, you could see an influx of breeders from Ohio and other Midwest states who want to operate without oversight. Unfortunately, breeders looking to avoid oversight are often the worst actors in the industry, making Michigan a very attractive state to puppy mills operators.

Over the years, the ASPCA has devoted significant time and resources to rescuing dogs from puppy mills and assisting shelters and rescues that rehabilitate and rehome animals rescued

from irresponsible breeders. Our Field Investigation and Response team investigates puppy mills across the country, rescuing countless dogs from cruel conditions. Often the facilities are USDA licensed. In 2011 alone, the ASPCA spent more than \$660,000 and nearly 200 days rescuing and rehabilitating dogs from puppy mill raids.

The ASPCA assisted in a puppy mill rescue earlier in 2013 at J.R.R.T. Kennels in Lake City, Missaukee County, Michigan. The ASPCA was asked to assist in this effort by the Missaukee County Sheriff, the Roscommon County Animal Shelter and the Michigan Humane Society. The ASPCA entered J.R.R.T. Kennels on May 23, 2013 to assist in taking possession of the dogs. The facility had 169 Jack Russell terriers, Border Collies, and Shiba Inus in outdoor pens year-round. Except for the whelping area housed under a temporary canvass carport, the dogs, even the tiny Jack Russell terriers, were subjected to extreme weather conditions year-round including the long, cold Northern Michigan winters. In the photos taken by ASPCA included in this testimony, you will see the dogs rescued from J.R.R.T. Kennels living in poor environmental conditions – at the time of rescue the dogs were wallowing in a river of mud.

The rescue dogs were found to have no food and the water available was muddy and contaminated. Many of these dogs were found to have medical complications – including eye and ear infections, overgrown nails that in some cases were growing back into the skin and tissue, and open wounds. Out of the 169 dogs that were rescued, approximately one-third had moderate to severe behavioral problems. In fact, approximately 10 of the animals had such severe behavioral problems they had to be relocated to our behavioral rehabilitation center in New Jersey for extensive therapy so they could have a chance at becoming adoptable. Only 18 animals were socially adapted enough to stay with the Roscommon County Animal Shelter. The remaining animals, approximately 148 dogs, had to be relocated to the Michigan Humane Society and other shelters throughout Michigan and surrounding Midwest states that had the capacity to rehabilitate these dogs with their behavior issues so they could be adoptable. It was and remains the commitment of the ASPCA and our partners in this Michigan rescue to work with each and every dog until they are rehabilitated and adopted.

Behavioral conditions exhibited were anti-social and extreme – an absolute fear of humans. The cause of anti-social behavior exhibited in puppy mill dogs spans the gamut – from simply never having been touched by a human to neglect and cruelty. The ASPCA documented anti-social behavior in the J.R.R.T. Kennel dogs that included fractious behavior – literally trying to climb the fence to escape the rescuers – to self destructive behavior where the dogs would hurt themselves by trying to run through the back of the caged area. These dogs were terrified of humans, kept in extreme weather conditions without proper food, water and veterinary care. Since the charges brought in this case were civil, there is nothing that exists in the law at this time to stop the owner of J.R.R.T Kennels from setting up a puppy mill again – and keeping more dogs in substandard conditions.

One way to prevent this problem is for Michigan to pass H.B. 5095 that will add a registry for large-scale breeders to existing registration and basic veterinary care requirements already in place for the state's animal shelters and pet stores. The answer is not to fall back on the USDA program. The USDA program is not adequate and does not prevent the majority of cruelty and

inhumane treatment of dogs in puppy mills.

The Animal Welfare Act and current APHIS regulations exclude breeders selling pets directly to the public as long as the purchaser meets the breeder and the puppy prior to the sale. Thus a breeder can avoid USDA regulation by simply handing over a dog to a customer in a parking lot, flea market or airport – and the customer would never see the conditions of the breeding facility, the health of breeding animals, or the health of animals not available for sale to the purchaser. The USDA's inability to oversee all retail breeders has created a massive loophole, which has been acknowledged publicly by the agency and further illuminated in USDA's Office of Inspector General's (OIG) audit of APHIS inspections of problematic dealers. The OIG report noted that where customers do not have access to the breeding facilities – such as with sales occurring away from the breeding facility – there is no assurance of humane treatment.

But the real need for H.B. 5095 is in the fact that given USDA's has limited resources and lax enforcement. Substandard conditions exist in many large-scale breeding facilities that are already in the USDA system. These substandard conditions produce dogs with significant health need (e.g. old male breeder rescued by ASPCA). The guidelines incorporated in H.B. 5095 will improve the conditions for dogs in large-scale breeding facilities in Michigan – and improve their quality of life. Many dogs in USDA facilities suffer from dehydration and malnutrition (rescued dogs, condition pre and post rescue); lack of dental care leading to rotting jaws; eye infections, ulcerations and dermatitis and ulcerated skin from urine and feces falling through wire bottoms of stacked cages (e.g. dog with eye and skin injuries); leg injuries from paws falling through wire bottom cages (e.g. dog with rotting back leg); tick infestation (e.g. dogs with excessive, feeding ticks); ingestion of contaminated food (e.g. cockroach-infested food); and diseases borne from unsanitary conditions (e.g. canals of urine and feces). The majority of these photos shared with the House Agriculture Committee come from the USDA itself – the USDA Office of Inspector General (OIG) and their May 2010 audit report on inspections of problematic dealers. Since that time, the ASPCA has accumulated over 10,000 photos taken by the USDA during routine inspections of these facilities, which demonstrate cases like these are not the exception, but rather the rule (please visit nopetstoerpuppies.com/buy-a-puppy to view photographs.) This evidence outlines the many failures of the USDA inspection system in protecting dogs in large-scale breeding facilities:

- 1) In the case of the dog with the rotting leg – the inspector found the dog on the 7th day after the bite. The dog had not received any vet care, which resulted in the flesh around the wound rotting away to the bone. The facility received 11 violations for this incident and others, yet 11 months after the violations were issued the facility was still not fined.
- 2) In the case of the dog with the eye and skin injuries – the inspector cited the breeder for lack of veterinary care and required the breeder to take the dog for treatment – yet no violation was ever issued.

The USDA OIG May 2010 report is testament to the need for the state of Michigan to enact H.B. 5095 which would assure that large-scale breeders are registered with the state of Michigan, and could be inspected upon complaints. H.B. 5095 would provide oversight of some breeders that may

otherwise fall through the cracks of the USDA system.

For all of these reasons, **the ASPCA respectfully urges the House Regulatory Reform Committee to support H.B. 5095, a bill that would require large-scale dog breeders to register with the Michigan Department of Agriculture and Rural Development and follow guidelines to help ensure the humane treatment of dogs and puppies in these facilities.**

Thank you for your time and consideration.

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